



Express Mailing Label No. EV 629 666 370 US

PATENT APPLICATION

Docket No: 15636.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|-----------------------------|------------|
| In re application of | |) |
| | Quinton Lyon |) |
| Serial No.: | 10/642,400 |) Art Unit |
| | |) 2821 |
| Filing Date: | August 15, 2003 |) |
| | |) |
| Confirmation No.: | 9454 |) |
| | |) |
| For: | FIELD INTERCHANGEABLE LEVEL |) |
| | MEASUREMENT SYSTEM |) |
| | |) |
| Examiner: | Tan Ho |) |

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of April 2005.

- Transmittal of Issue Fee (2 pages) (in duplicate)
- PTO Form PTOL-85 transmitting payment of Issue Fee and Publication Fee
- Comments on Statement of Reasons for Allowance (2 pages)
- Form PTO-2038 submitting Credit Card Payment in the amount of \$1,745
- Postcard

Respectfully submitted,

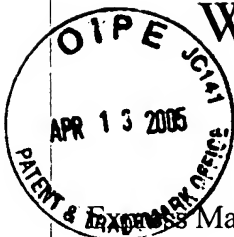
DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE
RYAN N. FARR *
JAMES B. BELSHE
KIRK R. HARRIS
KEELY SCHNEITER
MICHAEL M. BALLARD
DAVID A. JONES
SHANE K. JENSEN
JONATHAN M. BENNS, PH.D.

VERNON R. RICE §
OF COUNSEL



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

Express Mailing Label No. EV 629 666 370 US

PATENT APPLICATION
Docket No: 15636.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|----------|
| In re application of |) | |
| |) | |
| Quinton Lyon |) | |
| |) | |
| Serial No.: |) | Art Unit |
| 10/642,400 |) | 2821 |
| Filing Date: |) | |
| August 15, 2003 |) | |
| Confirmation No.: |) | |
| 9454 |) | |
| For: |) | |
| FIELD INTERCHANGEABLE LEVEL |) | |
| MEASUREMENT SYSTEM |) | |
| Examiner: |) | |
| Tan Ho |) | |

TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Fee(s) Due dated February 7, 2005, please find enclosed the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

- X Fee(s) Transmittal (PTOL-85) submitted pursuant to 37 C.F.R. § 1.311.
- A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.
- X A Certificate of Express Mail Under 37 C.F.R. § 1.10 is enclosed.

X Comments on Statement of Reasons for Allowance is enclosed.

— Pursuant to the request for submission of formal drawings, enclosed are the following:

— A Letter to the Official Draftsperson;

— A set of _____ () sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.

— A duplicate set of the _____ () sheets of formal drawings with the changes therein highlighted in red.

X Form PTO-2038 submitting Credit Card Payment in the amount of \$1,745.00 is enclosed to cover:

X The \$1,400.00 government issue fee pursuant to 37 C.F.R. § 1.18.

X The \$300.00 government publication fee pursuant to 37 C.F.R. § 1.18.(d).

X The \$45.00 fee for fifteen (15) copies of the patent when issued.

X The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

X A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 13th day of April 2005.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800



Express Mailing Label No. EV 629 666 370 US

PATENT APPLICATION

Docket No: 15636.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|-----------------------------|------------|
| In re application of | |) |
| | |) |
| | Quinton Lyon |) |
| | |) |
| Serial No.: | 10/642,400 |) Art Unit |
| | |) 2821 |
| Filing Date: | August 15, 2003 |) |
| | |) |
| Confirmation No.: | 9454 |) |
| | |) |
| For: | FIELD INTERCHANGEABLE LEVEL |) |
| | MEASUREMENT SYSTEM |) |
| | |) |
| Examiner: | Tan Ho |) |

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant respectfully disagrees in part with the Examiner's Statement of Reasons for Allowance as set forth in the communication mailed on February 7, 2005. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention.

However, Applicant respectfully submits that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicant submits that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner's statement should, in Applicants' view, not be read as constituting or meaning that the invention can or should be reduced to a single "feature" of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the

Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Dated this 13th day of April 2005.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800